



CITY COUNCIL Agenda

May 11, 2021, 3 p.m.

Council Chamber
1200 Carlsbad Village Drive
Carlsbad, CA 92008

Welcome to Your City Council Meeting

We welcome your interest and involvement in the city's legislative process. This agenda includes information about topics coming before the City Council and the action recommended by city staff. You can read about each topic in the staff reports, which are available on the city website and in the Office of the City Clerk. The City Clerk is also available to answer any questions you have about City Council meeting procedures.

How to watch



City cable channel

Charter Spectrum channel 24
AT&T U-verse channel 99.



City website

carlsbadca.gov/news/citytv.asp

Virtual meeting format

- Per California Executive Order N-29-20, and in the interest of public health and safety, we are temporarily taking actions to prevent and mitigate the effects of the COVID-19 pandemic by holding City Council and other public meetings online only.
- All public meetings will comply with public noticing requirements in the Brown Act and will be made accessible electronically to all members of the public seeking to observe and address the City Council.

How to participate

- **By phone:** Sign up at <https://www.carlsbadca.gov/cityhall/clerk/meetings/default.asp> by 2 p.m. the day of the meeting to provide comments live by phone. You will receive a confirmation email with instructions about how to call in.
- **In writing:** Email comments to clerk@carlsbadca.gov. Comments received by 2 p.m. the day of the meeting will be shared with the City Council prior to the meeting. When e-mailing comments, please identify in the subject line the agenda item to which your comments relate. All comments received will be included as part of the official record. **Written comments will not be read out loud.**
- These procedures shall remain in place during the period in which state or local health officials have imposed or recommended social distancing measures.

Reasonable accommodations

Persons with a disability may request an agenda packet in appropriate alternative formats as required by the Americans with Disabilities Act of 1990. Reasonable accommodations and auxiliary aids will be provided to effectively allow participation in the meeting. Please contact the City Manager's Office at 760-434-2821 (voice), 711 (free relay service for TTY users), 760-720-9461 (fax) or manager@carlsbadca.gov by noon on the Monday before the meeting to decide.

IN THE EVENT A QUORUM OF THE CITY COUNCIL LOSES ELECTRICAL POWER OR SUFFERS AN INTERNET CONNECTION OUTAGE THAT IS NOT CORRECTED WITHIN 15 MINUTES, THE MEETING WILL AUTOMATICALLY BE ADJOURNED. ANY ITEMS NOTICED AS PUBLIC HEARINGS WILL BE CONTINUED TO THE NEXT REGULARLY SCHEDULED MEETING OF THE CITY COUNCIL. ANY OTHER AGENDA ITEMS THE COUNCIL HAS NOT TAKEN ACTION ON WILL BE PLACED ON A FUTURE AGENDA.

More information about City Council meeting procedures can be found at the end of this agenda and in the Carlsbad Municipal Code chapter 1.20. PLEASE NOTE: AS A RESULT OF THE WAIVERS IN EXECUTIVE ORDER N-29-20, THE BROWN ACT PERMITS FULL PARTICIPATION BY OFFICIALS IN MEETINGS THROUGH VIDEO OR AUDIO TELECONFERENCE.

The City Council also sits as the Carlsbad Municipal Water District Board, Public Financing Authority Board, Community Development Commission and Successor Agency to the Redevelopment Agency. When considering items presented to the Carlsbad Municipal Water District Board, each member receives an additional \$100 per meeting (max \$300/month). When considering items presented to the Community Development Commission each member receives an additional \$75 per meeting (max \$150/month).

CALL TO ORDER: 3 p.m.

ROLL CALL: Hall, Blackburn, Acosta, Bhat-Patel, Schumacher.

ANNOUNCEMENT OF CONCURRENT MEETINGS: City Council is serving as the Carlsbad Municipal Water District on Consent Item No. 3.

INVOCATION: None.

PLEDGE OF ALLEGIANCE: Mayor Pro Tem Blackburn led the Pledge of Allegiance.

APPROVAL OF MINUTES:

Minutes of the Regular Meeting held March 9, 2021

ACTION: Minutes approved as presented – 5/0.

PRESENTATIONS:

Proclamation in Recognition of Bike Month

Proclamation in Recognition of Asian & Pacific Islander Heritage Month

Proclamation in Recognition of Economic Development Week

PUBLIC REPORT OF ANY ACTION TAKEN IN CLOSED SESSION:

PUBLIC COMMENT: *The Brown Act allows any member of the public to comment on items not on the agenda. Please treat others with courtesy, civility, and respect. In conformance with the Brown Act and California Executive Order No. N-29-20, a total of 15 minutes is provided so members of the public may participate in the meeting by submitting comments as provided on the front page of this agenda. The City Council will receive comments as requested up to a total of 15 minutes in the beginning of the meeting. All other comments will be heard at the end of the meeting. In conformance with the Brown Act, no action can occur on these items.*

CONSENT CALENDAR: *The items listed under Consent Calendar are considered routine and will be enacted by one motion as listed below. There will be no separate discussion on these items prior to the time the Council votes on the motion unless members of the Council, the City Manager, or the public request specific items be discussed and/or removed from the Consent Calendar for separate action.*

WAIVER OF ORDINANCE TEXT READING:

This is a motion to waive the reading of the text of all ordinances and resolutions at this meeting.

1. **RIGHT OF ENTRY PERMIT WITH STATE OF CALIFORNIA DEPARTMENT OF PARKS & RECREATION** – Adoption of a resolution authorizing a right of entry permit with the State of California Department of Parks & Recreation to maintain the upper picnic facilities at Tamarack State Beach and the coastal bluff at Tamarack/Frazee State Beach. (Staff contact: Tim Selke, Parks & Recreation)

ACTION: Adopted Resolution No. 2021-102 – 5/0.

2. **AGREEMENTS FOR PARKS MAINTENANCE SERVICES WITH NISSHO OF CALIFORNIA AND BRIGHTVIEW LANDSCAPE SERVICES** – 1) Adoption of a resolution awarding an agreement for Parks Maintenance Services, Work Category D – Passive Parks and Facilities Landscapes, to Nissho of

California Inc., in an amount not to exceed \$893,252 per year, during the initial two-year term of the agreement; and

2) Adoption of a resolution awarding an agreement for Parks Maintenance Services, Work Category E – Streetscapes, Medians and Parkways and Work Category F – Undeveloped Parks, Urban Forests and Trailheads / Planters, to Brightview Landscape Services, in an amount not to exceed \$1,079,056 per year, during the initial two-year term of the agreement. (Staff contact: Tim Selke, Parks & Recreation)

ACTION: Adopted Resolution No. 2021-103 – 5/0;

Adopted Resolution No. 2021-104 – 5/0.

3. AUTHORIZATION OF USE OF SAN DIEGO COUNTY WATER AUTHORITY REFUND – Adoption of a Carlsbad Municipal Water District resolution authorizing use of the San Diego County Water Authority refund to offset the rates the Carlsbad Municipal Water District pays the Water Authority for water supply, which will result in offsetting future customer rate increases. (Staff contact: Vickie Quiram, Public Works and Ryan Green, Finance)

ACTION: Adopted CMWD Resolution No. 1653 – 5/0.

4. BUSINESS LICENSE TAX APPEAL HEARING DECISIONS – 1) Adoption of a resolution granting in part the business license tax appeal of Taylor Made Golf Company, Inc.; and
2) Adoption of a resolution granting in part the business license tax appeal of Callaway Golf Company. (Staff contact: Cindie K. McMahon, City Attorney Department)

ACTION: Adopted Resolution No. 2021-105 – 4/1 (Hall – No);

Adopted Resolution No. 2021-106 – 4/1 (Hall – No).

ORDINANCES FOR INTRODUCTION:

ORDINANCES FOR ADOPTION:

5. ORDINANCE NO. CS-397 – WEST OAKS – Adoption of Ordinance No. CS-397 approving amendments to the citywide zoning and Local Coastal Program Zoning maps to modify the city-wide and Local Coastal Program Zoning designations from Planned Industrial (P-I) Zoning to Residential Density Multiple (RD-M) Zoning, and to reconfigure the Open Space (OS) Zoning boundaries on the property to accommodate required emergency access and preserve on-site habitat and habitat buffer areas located southwest of the intersection of Palomar Airport Road and Palomar Oaks Way within the Melo II Segment of the Local Coastal Program and Local Facilities Management Zone 5. (Case Name: West Oaks; Case No.: ZC 16-03/LCPA 16-04 (DEV 13018)). (Staff contact: Faviola Medina, City Clerk Department)

ACTION: Adopted Ordinance No. CS-397 – 5/0.

PUBLIC HEARINGS:

6. FISCAL YEAR 2021-22 ANNUAL ACTION PLAN FOR THE CITY OF CARLSBAD'S COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM – Adoption of a resolution approving the Fiscal Year 2021-22 Annual Action Plan, CDBG Advisory Committee funding recommendations, and authorizing the submittal of the Fiscal Year 2021-22 Annual Action Plan to the U.S. Department of Housing and Urban Development. (Staff contact: Nancy Melander, Community Development)

City Manager's Recommendation: Take public input, close the public hearing and adopt the resolution.

ACTION: Adopted Resolution No. 2021-107 – 5/0.

7. AMENDMENT TO THE TRANSNET LOCAL STREET IMPROVEMENT PROGRAM OF PROJECTS FOR FISCAL YEARS 2020-21 THROUGH 2024-25 – Adoption of a resolution approving an amendment to the Carlsbad TransNet Local Street Improvement Program of Projects for Fiscal Years 2020-21 through 2024-25, as programmed in the 2021 San Diego Association of Governments Regional Transportation Improvement Program. (Staff contact: Jonathan Schauble, Public Works)

City Manager's Recommendation: Take public input, close the public hearing, and adopt the resolution.

ACTION: Adopted Resolution No. 2021-108 – 5/0.

DEPARTMENTAL AND CITY MANAGER REPORTS:

8. FORMATION OF INDEPENDENT REDISTRICTING COMMISSION AND APPROVAL OF CITY COUNCIL REDISTRICTING PUBLIC ENGAGEMENT PLAN – 1) Adoption of a resolution approving the formation of an independent redistricting commission through a selection panel of judges; or
2) Adoption of a resolution approving the formation of an independent redistricting commission through a random draw selection method; or
3) Adoption of a resolution approving the formation of an independent redistricting commission through a random draw – optional variation selection method; and
4) Adoption of a resolution approving the City Council Redistricting Public Engagement Plan. (Staff contact: Faviola Medina, City Clerk Services, Sheila Cobian, City Manager Department, Kristina Ray, Communication & Engagement Department, Cindie K. McMahon, City Attorney Department)

City Manager's Recommendation: Adopt the resolutions and provide direction as appropriate.

ACTION: Adopted Resolution No. 2021-109 (see minutes for details);

Adopted Resolution No. 2021-110 – 5/0.

9. PALOMAR AIRPORT ADVISORY COMMITTEE UPDATE AND INPUT TO THE COMMITTEE'S CARLSBAD RESIDENT REPRESENTATIVE – Receive a presentation from, and provide input to, Winthrop Cramer, the Carlsbad resident representative on the Palomar Airport Advisory Committee and provide input on matters pertaining to Palomar Airport. (Staff contact: Jason Haber, City Manager Department)

City Manager's Recommendation: Receive the presentation and provide direction as appropriate.

ACTION: Council received the presentation;

Motion by Council Member Schumacher, seconded by Council Member Bhat-Patel, directing staff to return with an item that coincides with Committee Member Cramer's letter regarding the Palomar Airport Advisory Committee (PAAC) appointment process – 5/0.

10. FISCAL YEAR 2021-22 CITY COUNCIL GOAL WORK PLAN OPTIONS – 1) Receive a report and presentation on potential work plan options; and

2) Adoption of a resolution approving the work plan and authorizing the use of General Fund reserves and other funding resources to achieve the City Council goal of “Bring the Fire Department into conformance with standards of cover evaluation.” (Staff contact: Michael Calderwood, Fire)

City Manager’s Recommendation: Receive a report and adopt the resolution with the preferred work plan for incorporation.

ACTION: Council received the report;

Substitute Motion by Council Member Bhat-Patel, seconded by Council Member Bhat-Patel, to select Work Option 1A – 5/0;

Adopted Resolution No. 2021-111 – 5/0.

11. HOUSING COMMISSION AND PLANNING COMMISSION WORK PLAN ANNUAL REPORTS AND WORK PLANS – 1) Adoption of a resolution accepting the 2020 Housing Commission Annual Work Plan Report, and approving the 2021 Housing Commission Work Plan; and
2) Adoption of a resolution accepting the Fiscal Year 2019-20 Planning Commission Annual Work Plan Report, and approving the Fiscal Year 2020-21 and 2021-22 Planning Commission Work Plans. (Staff contact: David de Cordova and Don Neu, Community Development)

City Manager’s Recommendation: Adopt the resolutions.

ACTION: Motion by Council Member Schumacher, seconded by Council Member Bhat-Patel, to add at least one joint meeting between the standing City Council Homeless Action Subcommittee and the Housing Commission as it pertains to both committees’ missions on homelessness – 5/0;

Adopted Resolution No. 2021-112 as amended (see minutes for details) – 5/0;

Adopted Resolution No. 2021-113 – 5/0.

12. COVID-19 ECONOMIC RESPONSE ASSESSMENT AND RECOVERY IMPLICATIONS – 1) Receive a report regarding the assessment of the city’s economic response to COVID-19 and discuss insights and potential actions for an inclusive recovery; and
2) Discuss the recommendation from the Ad Hoc City Council Economic Revitalization Subcommittee to direct staff to return to the City Council with an action to create a standing economic development subcommittee; and
3) Adoption of a resolution approving COVID-19 economic recovery actions. (Staff contact: David Graham, Administrative Services Department)

City Manager’s Recommendation: Receive a report, discuss the recommendations from the Ad Hoc City Council Economic Revitalization Subcommittee, and adopt the resolution.

ACTION: Motion by Mayor Pro Tem Blackburn, seconded by Council Member Bhat-Patel, directing staff to return to the City Council with an action to create a standing City Council Economic Development Subcommittee – 5/0

Adopted Resolution No. 2021-114 – 4/1 (Schumacher – No).

13. CITY COUNCIL DISCUSSION OF “THE CURE FOR RACISM IS CANCER” ARTICLE BY TONY HOAGLAND
That the City Council engage in a discussion regarding the article “The Cure for Racism is Cancer” by Tony Hoagland. (Staff contact: Sheila Cobian, City Manager Department)

City Manager’s Recommendation: Discuss the article.

ACTION: Council discussed the article.

COUNCIL COMMENTARY AND REQUESTS FOR CONSIDERATION OF MATTERS:

City Council Regional Assignments (Revised 1/12/21)

Matt Hall Mayor	North County Mayors and Managers Chamber of Commerce Liaison (primary) San Diego County Water Authority SANDAG Board of Directors (primary) City Council Legislative Subcommittee Economic Revitalization Subcommittee North County Homeless Action Committee Homeless Action Subcommittee
Keith Blackburn Mayor Pro Tem – District 2	Buena Vista Lagoon JPC Encina Joint Powers JAC Encina Wastewater Authority Board of Directors North County Dispatch Joint Powers Authority SANDAG Board of Directors (2 nd alternate) SANDAG Shoreline Preservation Working Group (alternate) Carlsbad Municipal Code and City Council Policy Update Subcommittee
Priya Bhat-Patel Council Member – District 3	SANDAG Board of Directors (1 st alternate) SANDAG Shoreline Preservation Working Group (primary) North County Transit District (primary) City/School Committee Clean Energy Alliance JPA (primary) League of California Cities – SD Division (alternate) Economic Revitalization Subcommittee
Cori Schumacher Council Member – District 1	Buena Vista Lagoon JPC Encina Joint Powers JAC Encina Wastewater Authority Board of Directors League of California Cities – SD Division North County Dispatch Joint Powers Authority (alternate) Carlsbad Municipal Code and City Council Policy Update Subcommittee North County Homeless Action Committee Homeless Action Subcommittee
Teresa Acosta Council Member – District 4	City/School Committee Chamber of Commerce Liaison (alternate) Encina Wastewater Authority Board of Directors (alternate) City Council Legislative Subcommittee Clean Energy Alliance JPA (alternate) North County Transit District (alternate)

PUBLIC COMMENT: Continuation of the Public Comments

This portion of the agenda is set aside for continuation of public comments, if necessary, due to exceeding the total time allotted in the first public comments section. In conformance with the

Brown Act, no Council action can occur on these items.

ANNOUNCEMENTS:

This section of the Agenda is designated for announcements to advise the community regarding events that Members of the City Council have been invited to, and may participate in.

Motion by Mayor Pro Tem Blackburn, seconded by Council Member Bhat-Patel, directing staff to bring back an item to appoint a new Primary appointee to the North County Dispatch Joint Powers Authority – 5/0.

Motion by Council Member Bhat-Patel, seconded by Mayor Pro Tem Blackburn, directing staff to bring back options on how to restrict overnight parking on Avenida Encinas and the surrounding areas – 5/0.

CITY MANAGER COMMENTS:

CITY ATTORNEY COMMENTS:

ADJOURNMENT: 7:29 p.m.

City Council Meeting Procedures (*continued from page 1*)

Written Materials

Written materials related to the agenda that are submitted to the City Council after the agenda packet has been published will be available for review prior to the meeting during normal business hours at the City Clerk's office, 1200 Carlsbad Village Drive and on the city website. To review these materials during the meeting, please see the City Clerk

Visual Materials

Visual materials, such as pictures, charts, maps or slides, are allowed for comments on agenda items, not general public comment. Please contact the City Manager's Office at 760-434-2820 or manager@carlsbadca.gov to make arrangements in advance. All materials must be received by the City Manager's Office no later than noon the day before the meeting. The time spent presenting visual materials is included in the maximum time limit provided to speakers. All materials exhibited to the City Council during the meeting are part of the public record. **Please note that video presentations are not allowed.**

Decorum

All participants are expected to conduct themselves with mutual respect. Loud, boisterous and unruly behavior can interfere with the ability of the City Council to conduct the people's business. That's why it is illegal to disrupt a City Council meeting. Following a warning from the presiding officer, those engaging in disruptive behavior are subject to law enforcement action.

City Council Agenda

The City Council follows a regular order of business that is specified in the Carlsbad Municipal Code. The City Council may only make decisions about topics listed on the agenda.

Presentations

The City Council often recognizes individuals and groups for achievements and contributions to the community. Well-wishers often fill the chamber during presentations to show their support and perhaps get a photo. If you don't see an open seat when you arrive, there will likely be one once the presentations are over.

Consent Items

Consent items are considered routine and may be enacted together by one motion and vote. Any City Council member may remove or "pull" an item from the "consent calendar" for a separate vote. Members of the public may pull an item from the consent calendar by requesting to speak about that item. A speaker request form must be submitted to the clerk prior to the start of the consent portion of the agenda.

Public Comment

Members of the public may speak on any city related item that does not appear on the agenda. State law prohibits the City Council from taking action on items not listed on the agenda. Comments requiring follow up will be referred to staff and, if appropriate, considered at a future City Council meeting. Members of the public are also welcome to provide comments on agenda items during the portions of the meeting when those items are being discussed. In both cases, a request to speak form must be submitted to the clerk in advance of that portion of the meeting beginning.

Public Hearing

Certain actions by the City Council require a “public hearing,” which is a time within the regular meeting that has been set aside and noticed according to different rules.

Departmental Reports

This part of the agenda is for items that are not considered routine and do not require a public hearing. These items are usually presented to the City Council by city staff and can be informational in nature or require action. The staff report about each item indicates the purpose of the item and whether or not action is requested.

Other Reports

At the end of each meeting, City Council members and the city manager, city attorney and city clerk are given an opportunity to share information. This usually includes reports about recent meetings, regional issues, and recent or upcoming meetings and events.

City Council Actions

Resolution

A resolution is an official statement of City Council policy that directs administrative or legal action or embodies a public City Council statement. A resolution may be introduced and adopted at the same meeting. Once adopted, it remains City Council policy until changed by subsequent City Council resolution.

Ordinance

Ordinances are city laws contained in the Carlsbad Municipal Code. Enacting a new city law or changing an existing one is a two-step process. First, the ordinance is “introduced” by city staff to the City Council. If the City Council votes in favor of the introduction, the ordinance will be placed on a subsequent City Council meeting agenda for “adoption.” If the City Council votes to adopt the ordinance, it will usually go into effect 30 days later.

Motion

A motion is used to propose City Council direction related to an item on the agenda. Any City Council member may make a motion. A motion must receive a “second” from another City Council member to be eligible for a City Council vote.